

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

MARY CLAIRE RUTHERFORD,  
Plaintiff,

v.

STATE OF WASHINGTON,  
DEPARTMENT OF SOCIAL AND  
HEALTH SERVICES, STATE OF  
WASHINGTON CHILD STUDY &  
TREATMENT CENTER; MARY  
LAFOND, Chief Executive Officer; and  
JOHN MCCLELLAN, M.D., Medical  
Director,  
Defendants.

NO. CV04-5020RBL

ORDER ON DEFENDANTS'  
MOTIONS IN LIMINE

THIS MATTER came on for hearing on Defendant's Motions in Limine. The Court, having heard argument and having considered the files and records herein, and being fully advised, now, therefore,

IT IS HEREBY ORDERED, that that the following shall be excluded from evidence *in limine*. Counsel are instructed to inform their witnesses of this Order.

**A. Any testimony or argument regarding the relative resources of the parties shall be excluded.**

Granted  X

Denied \_\_\_\_\_

Reserved \_\_\_\_\_

1 **B. Any testimony or argument which invites jurors to conceptually put themselves in**  
2 **the place of the plaintiff shall be excluded.**

3 Granted X Denied \_\_\_\_\_ Reserved \_\_\_\_\_

4 **C. Any testimony or argument that defendants have not called persons to testify who**  
5 **are available to both plaintiff and defendants shall be excluded.**

6 Granted \_\_\_\_\_ Denied X Reserved \_\_\_\_\_

7 **D. Evidence not timely and duly disclosed in the course of discovery shall be**  
8 **excluded.**

9 Granted \_\_\_\_\_ Denied \_\_\_\_\_ Reserved X

10 **E. Plaintiff's counsel shall be prohibited from making requests or demands in the**  
11 **presence of the jury for documents or information which may exist in records of**  
12 **either of the individual defendants or of the state.**

13 Granted \_\_\_\_\_ Denied \_\_\_\_\_ Reserved X

14 **F. Information about which any witness lacks personal knowledge shall be excluded.**

15 Granted \_\_\_\_\_ Denied \_\_\_\_\_ Reserved X

16 **G. Plaintiff shall be prohibited from offering expert testimony.**

17 Granted X Denied \_\_\_\_\_ Reserved \_\_\_\_\_

18 **H. Plaintiff shall be prohibited from offering lay opinion testimony regarding her**  
19 **medical, emotional, or psychological condition.**

20 Granted \_\_\_\_\_ Denied \_\_\_\_\_ Reserved X

21 **I. Testimony or argument regarding alleged wrongful or retaliatory acts by either**  
22 **defendant toward individuals other than plaintiff shall be excluded.**

23 Granted \_\_\_\_\_ Denied \_\_\_\_\_ Reserved X

24 **J. Testimony, evidence, or argument regarding alleged sexual harassment of**  
25 **employees Stallworth or Hinhosa by Griffin shall be excluded.**

26 Granted \_\_\_\_\_ Denied \_\_\_\_\_ Reserved X

**K. Testimony or argument reasserting claims that this court has already dismissed**  
**shall be excluded.**

Granted X Denied \_\_\_\_\_ Reserved \_\_\_\_\_

1 **L. Plaintiff shall be prohibited from eliciting testimony or making arguments**  
2 **implying that the state is a defendant or that the state should be held responsible**  
3 **for its actions.**

4 Granted X Denied \_\_\_\_\_ Reserved \_\_\_\_\_

5 **M. Plaintiff shall be prohibited from eliciting evidence or making argument in**  
6 **support of unpled legal theories.**

7 Granted \_\_\_\_\_ Denied \_\_\_\_\_ Reserved X

8 **N. Testimony or argument concerning settlement negotiations shall be excluded.**

9 Granted X Denied \_\_\_\_\_ Reserved \_\_\_\_\_

10 **O. Plaintiff shall be prohibited from calling any witness without first providing prior**  
11 **day notice to defendants and the court of the name of the witness who will be**  
12 **testifying.**

13 Granted X Denied \_\_\_\_\_ Reserved \_\_\_\_\_

14 The court grants the defendants a continuing objection to the admissibility of all evidence  
15 addressed by defendants' motions *in limine*.

16 DATED this 3<sup>rd</sup> day of September, 2008.

17   
18 RONALD B. LEIGHTON  
19 UNITED STATES DISTRICT JUDGE

20 Presented by:  
21 ROBERT M. MCKENNA  
22 Attorney General

23 Notice of presentation waived and  
24 approved for entry:  
25 MANN JOHNSON WOOSTER &  
26 McLAUGHLIN, P.S.

27 \_\_\_\_\_  
28 MARK A. ANDERSON, WSBA # 26352  
29 Assistant Attorney General  
30 Attorneys for Defendants

31 \_\_\_\_\_  
32 RICHARD H. WOOSTER, WSBA #13752  
33 Attorney for Plaintiff